

BEFORE THE GEORGIA ATHLETIC AND ENTERTAINMENT COMMISSION
STATE OF GEORGIA

IN THE MATTER OF:

1223 Promotions,
License No. MMAP00087

Respondent.

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FINAL DECISION

The above-styled matter came before the Georgia Athletic and Entertainment Commission ("Commission") for hearing on Thursday, December 21, 2017. The Commission was represented by Reagan W. Dean, Senior Assistant Attorney General. The Respondent did not appear the hearing nor did anyone appear on Respondent's behalf after due and proper notice to Respondent. Exhibits of evidence tendered on behalf of the Commission were accepted into evidence without objection.

FINDINGS OF FACT

1.

Respondent is licensed by GAEC as a promoter of professional mixed martial arts ("MMA") fights in the State of Georgia, license number MMAP00087.

2.

Respondent was properly and timely served with notice of this hearing by certified mailing of the Notice of Hearing and Matters Asserted and Statutes and Rules Involved. The certified mailing was sent to Respondent's address of record with the Commission, 3 Windward Road, Douglas, Georgia 31533, attention Carlton Hodges. Accepted into evidence was the certified mailing receipt showing receipt of the mailing with the signature of Carlton Hodges in November 2017.

3.

No one has contacted the Commission or the Commission's Executive Director from or on behalf of the Respondent since Respondent's receipt of the certified mailing of the Notice of Hearing and Matters Asserted and Statutes and Rules Involved. The Commission finds that timely, sufficient, and proper service of the Notice of Hearing and Statutes and Rules Involved was made upon Respondent.

4.

Respondent has applied for and been granted several event permits by the Commission in 2016 and 2017.

5.

The Commission has granted Respondent event permits in 2016 and 2017 including for June, 18, 2016; August 6, 2016; October 8, 2016; December 31, 2016; July 1, 2017; and November 11, 2017.

6.

Respondent has failed to hold an event for any of the event permits issued by the Commission.

7.

The Commission staff, fight officials, and fighters are put to unnecessary time, effort, and expense to prepare for the permitted events which the Respondent has been granted but which Respondent then has failed to hold.

8.

Respondent and its representatives appeared at the Commission's meeting on

September 21, 2017, to seek an event permit for an event to be held on November 11, 2017. Respondent's history of failure to hold previous permitted events was brought to Respondent's representatives' attention at that meeting. The Commission conditionally approved the event permit pending Respondent's submitting a full and verifiable fight card to the Commission's Executive Director by October 5, 2017. The Commission authorized the Executive Director to cancel the event if anything about the fight card seemed to be inaccurate.

9.

Respondent and its representatives attending the Commission meeting on September 21, 2017, were cautioned that failure to meet the requirements for the event on November 11, 2017, could result in disciplinary action against Respondent's promoter's license.

10.

Respondent and its representatives acknowledged to the Commission the Respondent's failures to hold previously permitted events and represented that it would fulfill all requirements for and would hold the event conditionally permitted for November 11, 2017.

11.

However, Respondent failed to submit a full and verifiable fight card to the Commission's Executive Director as required to fulfill the requirements for the conditionally permitted event on November 11, 2017.

12.

Prior to October 5, 2017, Respondent provided the proposed fight card to the Executive Director. On or about October 2, 2016, the submitted fight card had five matched bouts and eight bouts with to be determined (TBD) opponents. On October 5, 2017, Respondent submitted four more matched bouts for the fight card. Thus, as of October 5, 2017, Respondent's submitted

fight card consisted of nine matched bouts and two bouts with TBD opponents. Three of the matched bouts had fighters from the same gym fighting each other which is rare in an MMA event.

13.

The Commission's Executive Director sought to verify the information provided by Respondent on its submitted fight card. The Executive Director learned that one fight was falsely submitted. One of the fighters listed on Respondent's fight card, Thomas Wooley, was listed as coached by James Pennamore. Wooley informed the Executive Director that he was unaware of 1223 Promotions; unaware of James Pennamore being listed as his coach; and unaware that he was listed as being a fighter on Respondent's fight card.

14.

Respondent's actions regarding the submitted fight card were false, deceptive and misleading.

15.

The conditionally permitted event for November 11, 2017, was cancelled due to Respondent's failure to fulfill all requirements for that event.

STATUTES AND RULES INVOLVED

O.C.G.A. § 43-4B-1 (Definitions) provides, in part:

(4) "Commission" means the Georgia Athletic and Entertainment Commission.

(10.1) "Martial art" means any form of unarmed combative sport or unarmed combative entertainment that allows contact striking, except boxing or wrestling.

(11) "Mixed martial arts" means unarmed combat involving the use of a combination of techniques from different disciplines of the martial arts, including but not limited to grappling, submission holds, and strikes with the upper and lower body.

(12) "Person" means any individual, partnership, firm, association, corporation, or combination of individuals of whatever form or character.

(16) "Promoter" means the person primarily responsible for organizing, promoting, and producing a professional match, contest, or exhibition and who is legally responsible for the lawful conduct of such professional match, contest, or exhibition.

O.C.G.A. § 43-4B-50 provides, in part:

(a) The commission shall have the sole authority to license organizations that govern and authorize matches, contests, and exhibitions of martial arts and wrestling and to exempt organizations from licensure in accordance with this article. The commission shall have sole authority to permit and regulate matches, contests, and exhibitions of martial arts and wrestling. The commission shall have the sole authority to license promoters of matches, contests, and exhibitions of martial arts. The commission shall have the duty to safeguard the public health, to protect competitors, and to provide for competitive matches by requiring licensed organizations to abide by rules promulgated by the commission for basic minimum medical and safety requirements based on the nature of the activity and the anticipated level of physical conditioning and training of competitors. The commission shall have the authority to inquire as to a licensed organization's plans or arrangements for compliance with such rules. The commission shall have the authority to require annual fees for licensure and a fee for each such match, contest, or exhibition or for each show and to penalize licensed organizations, licensed promoters, and the holders of match permits that violate the provisions of this article or rules of the commission promulgated in accordance with this article.

O.C.G.A. § 43-4B-54 provides:

- (a) The commission is authorized to suspend, revoke, or deny a license or renewal of a license to an organization or a promoter for violation of this article or rules of the commission promulgated in accordance with this article. The commission is authorized to fine a licensed organization or promoter for violation of this article or rules of the commission promulgated in accordance with this article.
- (b) The commission is authorized to suspend, revoke, or deny issuance of a permit for a show, match, contest, or exhibition issued in accordance with this article in the interest of the safety or health of the competitors or public, or for violation of this article or rules of the commission promulgated in accordance with this article.

O.C.G.A. § 43-4B-13 provides, in part:

- (a) The commission shall have the authority to refuse to grant a license to an applicant upon a finding by a majority of the entire commission that the applicant has failed to demonstrate the qualifications or standards for a license contained in this Code section or under the laws, rules, and regulations under which licensure is sought. It shall be incumbent upon the applicant to demonstrate to the satisfaction of the commission that he or she meets all of the requirements for the issuance of a license, and, if the commission is not satisfied as to the applicant's qualifications, it may deny a license without a prior hearing; provided, however, that the applicant shall be allowed to appear before the commission if he or she so desires.
- (b) The commission may, by majority vote, after prior notice to the holder of any state license and after affording such a holder an opportunity to be heard, fine the license holder, revoke or suspend a state license, or take other disciplinary action against the licensee;

O.C.G.A. § 43-4B-19 provides, in part:

- (a) Whenever it may appear to the commission that any person is violating or has violated any provision of this article or Article 1 of this chapter and that proceedings would be in the public interest:
 - (1) Subject to notice and opportunity for hearing in accordance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act" unless the right to notice is waived by the person against whom the sanction is imposed, the commission may:
 - (A) Issue a cease and desist order prohibiting any violation of this article or Article I of this chapter;
 - (B) Issue an order against a person who violates this article or Article 1 of this chapter, imposing a civil penalty up to a maximum of \$1,000.00 per violation; or
 - (C) Issue an order suspending or revoking a license of the person violating this article or Article 1 of this chapter;
- (c) Procedures relating to hearings, notice, counsel, subpoenas, records, enforcement powers, intervention, rules of evidence, decisions, exceptions, review of initial decisions, final decisions, and judicial review of decisions shall be governed by Chapter 13 of Title 50, the "Georgia Administrative Procedure Act, " unless the provisions of such chapter are contrary to the express provisions of this article or Article 1 of this chapter.

O.C.G.A. Section 43-1-19(a), provides that:

- (a) A professional licensing board shall have the authority to refuse to grant a license to an applicant therefor or to revoke the license of a person licensed by that board or to

discipline a person licensed by that board, upon a finding by a majority of the entire board that the licensee or applicant has:

(2) Knowingly made misleading, deceptive, untrue, or fraudulent representations in the practice of a business or profession licensed under this title or on any document connected therewith; or practiced fraud or deceit or intentionally made any false statement in obtaining a license to practice the licensed business or profession; or made a false statement or deceptive registration with the board;

(6) Engaged in any unprofessional, immoral, unethical, deceptive, or deleterious conduct or practice harmful to the public that materially affects the fitness of the licensee or applicant to practice a business or profession licensed under this title or is of a nature likely to jeopardize the interest of the public; such conduct or practice need not have resulted in any actual injury to any person or be directly related to the practice of the business or profession but shows that the licensee or applicant has committed any act or omission which is indicative of bad moral character or untrustworthiness. Such conduct shall also include any departure from, or the failure to conform to, the minimal reasonable standards of acceptable and prevailing practice of the business or profession licensed under this title;

(8) Violated a statute, law, or any rule or regulation of this state, any other state, the professional licensing board regulating the business or profession licensed under this title....when such statute, law, or rule or regulation relates to or in part regulates the practice of a business or profession licensed under this title and when the licensee or applicant knows or should know that such action violates such statute, law, or rule;

O.C.G.A. Section 43-1-19(d), provides that:

(d) When a professional licensing board finds that any person is unqualified to be granted a license or finds that any person should be disciplined pursuant to subsection (a) of this Code section or the laws, rules, or regulations relating to any business or profession licensed by the board, the board may take any one or more of the following actions:

(1) Refuse to grant or renew a license to an applicant;

(2) Administer a public or private reprimand, but a private reprimand shall not be disclosed to any person except the licensee;

(3) Suspend any license for a definite period or for an indefinite period in connection with any condition which may be attached to the restoration of said license;

(4) Limit or restrict any license as the board deems necessary for the protection of the public;

(5) Revoke any license;

(6) Condition the penalty upon, or withhold formal disposition pending, the applicant's or licensee's submission to such care, counseling, or treatment as the board may direct;

- (7) Impose a fine not to exceed \$500.00 for each violation of a law, rule, or regulation relating to the licensed business or profession.
- (8) Impose on the licensee or applicant fees or charges in an amount necessary to reimburse the professional licensing board for the administrative and legal costs incurred by the board in conducting an investigative or disciplinary proceeding.

GAEC Rule 85-3-.18 Licensing provides, in part, that:

- (a) All mixed martial arts events shall be subject to licensing requirements of 85-1.02.

GAEC Rule 85-1-.02(9) provides, in part, that:

- (9) Suspensions and Revocations.
- (a) The commission may revoke, suspend, place on probation or take other disciplinary action against the license of any licensee who has violated any of its rules or regulations or any of the provisions of O.C.G.A. 43, Chapter 4B or whose application contains false statements or material omissions.

DECISION

The Commission has the burden of proof which standard is the preponderance of the evidence. The Commission carried its burden of proof as to proper and timely notice of the hearing upon the Respondent and as to multiple grounds for sanctioning the Respondent's promoter's license. The testimony and evidence demonstrated the seriousness of the violations by Respondent including, but not limited to, actions that were false, deceptive, and misleading in its dealings with the Commission. In particular, Respondent's actions were done in an attempt to mislead the Commission as to Respondent's ability to successfully hold the event scheduled for November 11, 2017. Respondent had been advised by the Commission of its concern about Respondent's failure to hold all of its previously scheduled events. Respondent's false, deceptive, and misleading actions were undertaken to avoid the consequences of another failure.

Given the seriousness of the evidence, the Commission finds that the proper sanction is
REVOCATION of Respondent's mixed martial arts promoter's license.

This 12 day of January, 2018.

GEORGIA ATHLETIC AND
ENTERTAINMENT COMMISSION

SETH MILLICAN
Chairman

ATTEST:



MATTHEW WOODRUFF
Executive Director